IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

JOE BELL, ET AL. PLAINTIFFS

V. CAUSE NO.: 3:08-CV-697 WHB/LRA

KOCH FOODS OF MISSISSIPPI, LLC DEFENDANT

MOTION TO ALLOW ARBITRATION RELATED DISCOVERY AND MOTION FOR A JURY TRIAL OR HEARING ALLOWING ORAL TESTIMONY PRIOR TO THE DECISION REGARDING ARBITRATION

COME NOW, the Plaintiffs in the above-styled and numbered cause, and file this their Motion to Allow Arbitration Related Discovery and Motion for a Jury Trial or Hearing Allowing Oral Testimony Prior to the Decision Regarding Arbitration and would show unto the Court that Plaintiffs have submitted arbitration related discovery to the Defendant and would request that the Defendant be required to respond to said arbitration related discovery prior to a jury trial or hearing and ruling on the Defendant's Motion to Compel Arbitration.

Plaintiffs would further show that in order to fully develop their argument against the Defendant's Motion for Arbitration that the Plaintiffs, following the conducting of arbitration related discovery, should be allowed to put on proof at a jury trial or hearing regarding the arbitration issue in accordance with Uniform District Court Rule 7.2(F)(1).

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that Defendant be required to respond to arbitration related discovery prior to a jury trial or hearing and ruling on the Defendant's Motion to Compel Arbitration; that following the conducting of arbitration related discovery, Plaintiffs be allowed to put on proof at a jury trial or hearing regarding the arbitration issue in accordance with Uniform District Court Rule 7.2(F)(1); and any other relief which the Court deems appropriate in this matter.

This 12th day of January, 2009.

Respectfully submitted,

JOE BELL, ET AL., PLAINTIFFS

BY: /s/ T. Mark Sledge
T. MARK SLEDGE

NOTE: **Plaintiffs will not file a Memorandum in support of this motion as all issues are thoroughly addressed in Plaintiffs' Memorandum of Authorities in Support of Plaintiffs' Response to Defendant's Motion to Stay Proceedings and Compel Arbitration.**

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this date electronically filed the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to the following:

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THIS 12th day of January, 2009.

/s/ T. Mark Sledge
T. MARK SLEDGE